

REMARKS

Reconsideration of the Application respectfully is requested. For the reasons indicated hereafter the Application, particularly as amended herein, is urged to be in condition for allowance.

Applicant has provided an improved method which has been found to significantly enhance the strength properties of a non-edible dried collagen casing. More specifically, the method has been found to improve the clip strength and the cooking resistance of the non-edible dried collagen casing. Accordingly, the process makes possible the formation of a stronger non-edible dried collagen casing in the absence of sodium chloride or in the presence of a reduced concentration of sodium chloride. Thereby the method further offers environmental advantages in the area of sodium chloride disposal at the conclusion of the process. It is of great interest for environmental reasons to reduce the amount of sodium chloride that is passed to the drain at the conclusion of the process.

When practicing the improved method of the present invention a non-edible dried collagen casing for a foodstuff is treated in the absence of a foodstuff with an aqueous solution of at least one salt selected from the group consisting of sodium bicarbonate, sodium sulphate, ammonium chloride, calcium chloride, sodium hydrogen phosphate, potassium hydrogen phosphate, potassium chloride, and ammonium sulphate wherein the total salt concentration in the aqueous solution is in the range of 5-18% by weight (preferably in the range of 8-12% by weight). In a preferred embodiment at least two of these salts are present. A minor concentration of sodium chloride optionally can be included as indicated in Applicant's Specification.

The continued rejection of the claims under 35 U.S.C. § 112, second paragraph, would be inappropriate. Each of the formal concerns expressed at Page 2 of the Official Action has been addressed by amendment including the implementation of each of the Examiner's suggested claim amendments. It respectfully is submitted that those skilled in art will have no difficulty in understanding Applicant's presently solicited claims. The withdrawal of the rejection under 35 U.S.C. § 112 is urged to be in order and is respectfully requested.

The continued rejection of presently solicited Claims 1, 2, 4, 5, 10, and 13 under 35 U.S.C. § 102(b) in view of the different teachings of European Patent Application No. 1018301 to Sanchez would not withstand detailed consideration. Sanchez describes non-edible collagen casings for foodstuffs which do not need an additional soaking step before stuffing. The casings contain a moisture amount between 27 and 49% by weight based on the total casing weight, and a salt amount determined by the salt concentration used in the presoaking aqueous solution and the immersion time therein. Sodium chloride is the only salt that is mentioned. Sanchez contemplates the use of a brine (i.e., sodium chloride) solution as does Swedish Patent No. 515,441 which is already discussed at the bottom of Page 2 of Applicant's Specification. The concept of the presently claimed invention is foreign to anything disclosed in the reasonably derived teachings of Sanchez. The at least one salt recited and required in Applicant's independent Claim 1 is not taught by Sanchez.

It is well established law that patentability is negated under 35 U.S.C. § 102 only when the prior disclosure is identical to the invention sought to be patented. Each and every element of the claimed invention must be disclosed in a single reference in complete detail. See Akzo N.V. v. United States ITC, 808 F.2d 1471, 1 U.S.P.Q.2d 1241 (Fed. Cir. 1986); Orthokinetics, Inc. v. Safety Travel Chairs, Inc., 806 F.2d 1565, 1 U.S.P.Q.2d 1081 (Fed. Cir. 1986); Rolls-Royce Ltd. v. GTE Valeron Corp., 800 F.2d 1101, 231 U.S.P.Q. 185 (Fed. Cir. 1986); Kloster Speedsteel AB v. Crucible Inc., 793 F.2d 1565, 230 U.S.P.Q. 81 (Fed. Cir. 1986); Great Northern Corp. v. Davir Core & Pad Co., 782 F.2d 159, 228 U.S.P.Q. 356 (Fed. Cir. 1986); In re Donohue, 766 F.2d 531, 226 U.S.P.Q. 619 (Fed. Cir. 1985); W.L. Gore & Assoc. v. Garlock, Inc., 721 F.2d 1540, 200 U.S.P.Q. 303 (Fed. Cir. 1983); SSIH Equip. S.A. v. United States ITC, 713 F.2d 746, 218 U.S.P.Q. 678 (Fed. Cir. 1983); and Richardson v. Suzuki Morot Co., 868 F.2d 1226, 9 U.S.P.Q.2d 1913 (Fed. Cir. 1989). The withdrawal of the rejection under 35 U.S.C. § 102 is in order and respectfully is requested.

Finally, the continued rejection of the presently solicited claims under 35 U.S.C. § 103(a) over the proposed combination of the readily apparent deficient teachings of Sanchez with the dissimilar teachings of U.S. Patent No. 4,463,026 to Chandler et al., and U.S. Patent No. 6,685,978 to Hauksson would likewise be inappropriate. The process of the present invention is carried out in the absence of a foodstuff. The Sanchez process also is carried out in the absence of a foodstuff; however, as indicated above Sanchez is totally lacking in the usage of the at least one salt recited and required in the presently claimed process. In each of the secondary references a food product is undergoing treatment (i.e., meat is cured or a

gellable food product is created). The subject matter of the secondary references is nonanalogous. The secondary references are not concerned with imparting improved clip strength and cooking strength to a non-edible collagen casing for a foodstuff so that its performance is enhanced when a foodstuff is added. This outcome is not even remotely suggested. There is no teaching that the different food preparation teachings of the secondary references be combined with Sanchez as suggested in the Official Action. Also, if the mixture of Chandler et al. were applied to a casing, one would not obtain the advantageous strength improving results made possible by Applicant. Hauksson is similarly deficient. It was Applicant who provided the presently claimed subject matter and not the authors of the references.

In rejection of claims under 35 U.S.C. § 103, the Examiner bears the initial burden of presenting a *prima facie* case of obviousness. In re Rijckaert, 9 F.3d 1531, 1531, 28 U.S.P.Q.2d 1955, 1956 (Fed. Cir. 1993). In order to establish a *prima facie* case of obviousness, the prior art teaching must be sufficient to one of ordinary skill in the art making the modification needed to arrive at the claimed invention. See, e.g., In re Lalu, 747 F.2d 703, 705, 223 U.S.P.Q. 1257, 1258 (Fed. Cir. 1984). No *prima facie* showing of obviousness is presented from a reading of the different teachings of the references. There is no suggestion that the nonanalogous teachings of the references be combined. Additionally, a combination (which is not even remotely suggested) of the reasonably-derived reference teachings would not yield Applicant's claimed contribution. The withdrawal of the obviousness rejection likewise is in order and respectfully is requested.

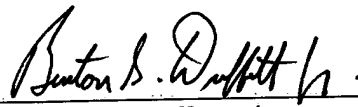
If there is any remaining point which requires clarification prior to the allowance of the Application, the Examiner is urged to telephone the undersigned attorney so that the matter can be discussed and promptly resolved.

Respectfully submitted,

BURNS, DOANE, SWECKER & MATHIS, L.L.P.

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By: _____


Benton S. Duffett, Jr.
Registration No. 22,030

P.O. Box 1404
Alexandria, Virginia 22313-1404
(703) 836-6620